

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

THOMAS FARMER,
Defendant.

Criminal Case No. 3:13-cr-00162-DRD

MOTION REQUESTING CLARIFICATION OF THE PRE TRIAL CONFERENCE DATE

TO THE HONORABLE COURT:

COMES NOW, the undersigned attorneys very respectfully and state and pray as follows:

Defendant Farmer respectfully moves the Court to continue the October 14, 2014 deadline set for the pretrial conference I based upon an October 20, 2014 trial commencement date that is no longer applicable in this case. Defendant Farmer respectfully submits that this Court should set a pretrial conference date approximately one week before the actual trial date in this case once the Court determines that trial date. The Court has indicated that, after it considers the demands of its docket, it would advise the parties of a trial date convenient to the Court and to the parties, and that it hoped to be in a position in October 2014 to select a trial date for November or thereafter. The Government has requested a November trial date and the defense a January trial date. Defendant respectfully suggests that this Court postpone the pretrial conference after its trial date announcement.

1. On April 30, 2014, the Court entered a scheduling Order where a Pretrial conference was set for October 14, 2014 at 9:00 a.m. when referring to an October 20 trial date. (Dkt. No.118).

2. On September 15, 2014, the Court Granted our request to continue the deadlines to file a joint jury questionnaire and the appearance date of potential jurors to fill out the forms. It also entered an Order requesting the parties indicate their preferences for when trial may begin, November 2nd or November 12th. The defense expressed the desire for the later date or a mid-January 2015 date. (Dkt. 230 and Dkt. 245)
3. The Court indicated that its heavy trial schedule may affect the Court's trial availability, and that the Court would advise the parties In October of any conflicts that could affect the trial date. Defendant is still obtaining and reviewing discovery. One recipient of a document subpoena has filed a motion to quash—without first contacting defense counsel as requested—and this may lead to further proceedings. We are still receiving third party subpoenas information. The defense requests the September 14, 2014 pretrial deadline be extended also for the reason that it will be difficult to meet.
4. Defendant Farmer has several outstanding motions, including: (a) Motions for Brady and Rule 16 production (including a motion seeking a hearing on spoliation (Docket No. 144), and for vessel documents being withheld by the Government (Docket No. 185); (b) a fully briefed suppression motion (Docket Nos. 134, 140, 152, 157), and (c) motions in limine (Docket Nos. 209-221). (d) Motion Requesting Order Second Ex Parte Application for Rule 17 Subpoenas (Docket No. 242). Government production of the withheld hard drive of disputed vessel documents relating to the 50/50 vessel conspiracy would require some time to review. Further, the defense is has pursued and is pursuing additional third party document discovery that will require further review.
5. In view of the above, Defendant requests this Honorable Court to continue the pretrial date until it announces the official trial date, at which time the Court can schedule all the pertinent deadlines in accordance with its calendar and its needs.

6. For the foregoing reasons, Defendant Farmer respectfully suggests that this Court satisfy itself about its trial availability, and schedule a trial date no earlier than November 12, 2014, and preferably no earlier than January, 2015. Given all of this, and the holiday season that a trial would have to navigate in November and December 2014, defendant respectfully suggests that a trial date be set in the period beginning after mid-January 2015.

WHEREFORE, it is respectfully requested from this Honorable Court, for the reasons previously expressed, continue all deadlines until the trial date is set, at which time the Court can reset all pending deadlines.

RESPECTFULLY SUBMITTED.

In San Juan, PR this 10th day of October, 2014.

CERTIFICATION: I hereby certify having filed this motion through the EM/ECF filing system, which will notify all parties and counsel of record in this case.

RESPECTFULLY SUBMITTED,

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